IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B RADHAKRISHNAN

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

OP.No. 12815 of 1998(A)

PETITIONERS:
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1. P. SADANANDAN, S/O. PADMANABHAN, "VIJAYA VILASAM", ARUVIPURAM P.O., PERINGADAVILA, NEYYATTINKARA,TRIVANDRUM.

2. K.S. PRADEEPA, S/O. ASHOK, "SANDHYA VIHAR", ANGOD, PERINGADAVILA, TRIVANDRUM.

BY ADV. SRI.K.PRAVEEN KUMAR

RESPONDENTS:
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1. STATE OF KERALA, REP. BY CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

2. KERALA STATE POLLUTION CONTROL BOARD, REP. BY ITS SECRETARY, THIRUVANANTHAPURAM.

3. THE SECRETARY, DEPARTMENT OF MINING AND GEOLOGY, TRIVANDRUM.

4. THE DISTRICT COLLECTOR, TRIVANDRUM.

5. THE DISTRICT MEDICAL OFFICER OF HEALTH, TRIVANDRUM.

6. THE REVENUE DIVISIONAL OFFICER, TRIVANDRUM.

7. THE SUPERINTENDENT OF POLICE (RURAL), TRIVANDRUM.

8. PERINGADAVILA GRAMA PANCHAYAT, REP. BY ITS SECRETARY, ANGOD, NEYYATTINKARA, TRIVANDRUM.

9. E.L. THOMAS, PROPRIETOR, INDIA GRANITE, HAVING ITS OFFICE, AT PERINGADAVILA, ANGOD, NEYYATTINKARA, TRIVANDRUM.

10. N.R.K. RAJARATNAM, PROPRIETOR, STANDARD GRANITE, HAVING ITS OFFICE AT PERINGADAVILA, ANGOD, NEYYATTINKARA, TRIVANDRUM.

11. R. VEERAMANI, PROPRIETOR, JIM GRANITE, HAVING ITS OFFICE AT PERINGADAVILA, ANGOD, TRIVANDRUM.

12. DIRECTOR OF MININING AND GEOLOGY, DIRECTORATE OF MINING AND GEOLOGY, TRIVANDRUM.

12TH RESPONDENT IS IMPLEADED AS ADDL. R12 AS PER ORDER IN CMP 25475 OF 1998 IN OP 12815 OF 1998.

R9 BY ADVS. SRI.T.M.SREEDHARAN
SRI.M.A.FIROZ
R10 BY ADV. SRI.K.L.NARASIMHAN
R2 BY ADV. SRI.N.N.SUGUNAPALAN,SC,POLUTION C.BOARD
R1, AND R3 TO 7 & R12 BY G.P. SRI. T.B. RAMAN
ADV. COMMISSIONER SRI.STEPHEN JOY IDICULLA
R9 BY ADV. SRI.N.UNNIKRISHNAN
R2 BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC,POLU.C.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 27892 OF 1998, & CMP 22424 OF 1998, BOTH IN OP 12815 OF 1998

DISMISSED

28.9.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE G.O. NO. 2320/B1/86/CD DATED 6.9.1986 BY THE FIRST RESPONDENT.

EXT.P2 TRUE COPY OF THE COMMUNICATION BY THE 8TH RESPONDENT TO THE 6TH RESPONDENT DATED 23.3.96

EXT.P3 TRUE COPY OF THE COMMUNICATION BY THE 6TH RESPONDENT DATED 8.7.96

EXT.P4 TRUE COPY OF THE REPRESENTATION SENT BY THE PETITIONERS TO THE 4TH RESPONDENT DATED 1.7.98

EXT.P5 TRUE COPY OF THE NEWS ITEM PUBLISHED IN KERALA KAUMUDI DATED 5.8.97

EXT.P5(A) TRUE COPY OF THE NEWS ITEM PUBLISHED IN MALAYALA MANORAMA DAILY DATED 22.1.97

ADV. COMMISSIONER'S EXHIBITS:

ANNEUXRE A1 TRUE COPY OF THE NOTICE DATED 27.8.1998 ISSUED TO THE PETITIONER ADVOCATE GENERAL, COUNSEL FOR 2ND RESPONDENT, COUNSEL FOR 9TH RESPONDENT AND COUNSEL FOR 10TH RESPONDENT IN OP 12815 OF 1998.

ANNEXURE A2, A2(a) AND A2(b) TRUE COPY OF THE NOTICE SENT TO THE RESPONDENTS 8,11 AND 12 UNDER CERTIFICATE OF POSTING ON 27.8.1998

ANNEXURE A3 TRUE COPY OF THE POSTAL RECEIPTS.

ANNEXURE A4 TRUE COPY OF THE LETTER DATED 31.8.1998GAVE IN THE ADVOCATE GENERAL'S OFFICE BY THE ADVOCATE COMMISSIONER.

ANNEXURE A5 SERIES TRUE COPY OF THE RECEIPTS OF TELEGRAPH OFFICE, SENT TELEGRAM TO RESPONDENTS 2,8,9, 10,11 AND 12 DATED 31.8.1998

9TH RESPONDENT'S EXHIBITS:

EXTR9(1) TRUE COPY OF THE AGREEMENT DATED 2.1.2.1996

EXT.R9(2) TRUE COPY OF A QUARRYING LEASE DOCUMENT VIDE DOC NO. 2263/1996 DATED 23.10.1996

EXT.R9(3) TRUE COPY OF LICENCE GRANTED BY THE DIRECTOR OF MINING AND GEOLOGY.

EXT.R9(4) TRUE COPY OFP PURCHASE ORDER GIVEN BY M/S.MOGTI MARBLE & GRANITE TRADING INC., BANGALORE 25

EXT.R9(5) TRUE COPY OF THE CERTIFICATE OF REGISTRATION DATED 30.4.1997

EXT.R9(6) TRUE COPY OF JUDGMENT IN OP 7502 OF 1991 DATED 11.11.1991.

EXT.R9(7) TRUE COPY OF JUDGMENT IN A.S.NO. 361 OF 1981 DATED 18.12.1981.

TRUE COPY

THOTTATHIL B. RADHAKRISHNAN, J.

O. P. NO. 12815 OF 1998

Dated this the 28th day of September, 2007

JUDGMENT

This Original Petition is filed in relation to certain quarrying operations and interlocutory orders were issued by this Court. A commissioner was appointed. However, no bata was paid. The Commissioner has filed a preliminary report stating that inspite of notices being issued, there was no response and that he has incurred some out-of-pocket expenses in connection with that. With the passage of time, it is unfortunate that the petitioner, who chose to move this Court complaining of illegal quarrying, had not even paid Commissioner's bata, as ordered by this Court. Service is yet to be completed. I have gone through the materials in the case and I do not find any ground to further retain this Original petition and maintain the interim order. O.P. fails and is dismissed.

(THOTTATHIL B. RADHAKRISHNANAN)
Judge